

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
KEVIN M. EPSTEIN
UNITED STATES TRUSTEE
REGION 7, SOUTHERN AND WESTERN DISTRICTS OF TEXAS
ALICIA L. BARCOMB
TRIAL ATTORNEY
515 Rusk St., Suite 3516
Houston, Texas 77002
Telephone: (713) 718-4650

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

**Thomas Calvert Scott and Tammi Lynn
Scott
Debtors**

CASE NO. 20-35029

CHAPTER 7

**Kevin M. Epstein,
United States Trustee,

Plaintiff**

ADV. PROC. NO. 21-03057

v.

**Thomas Calvert Scott and Tammi Lynn
Scott
Defendants**

**VERIFIED STATEMENT FOR ENTRY OF DEFAULT AND
REGARDING DEFENDANTS' MILITARY STATUS**

Now comes Alicia L. Barcomb, and states to the Court as follows:

1. I am a trial attorney for the Office of the United States Trustee and represent the interests of the U.S. Trustee in the above-captioned adversary proceeding. I am of sound mind, over the age of 18 years old, and capable of making this verified statement. I have personal

knowledge of the facts stated herein, and if called as a witness, I can and will testify under oath in accordance with my statements herein.

2. I reviewed the Complaint filed on April 19, 2021, in Adversary Case No. 21-03057.¹ I am familiar with the allegations that are in the Complaint. Presently, to the best of my knowledge, information, and/or belief, the allegations therein are true and correct.

3. I served Defendants with the Summons and Complaint as required by Rule 4(c)(1) of the Federal Rules of Civil Procedure. As required by Rule 7004(a), I caused a copy of the Summonses and Complaint to be mailed to Defendants via U.S. First Class Mail and Certified Mail. Due to health concerns relating to Covid-19, the U.S. Trustee's Office used the services of BK Attorney Services, LLC ("Third-Party Mailer") to serve the Summonses and Complaint. I first submitted Thomas Calvert Scott's Summons and Complaint to the Third-Party Mailer on April 20, 2021, at approximately 11:46 AM CST. Following the submission, the Third-Party Mailer mailed the documents to Thomas Calvert Scott via U.S. First Class Mail that same day. I first submitted Tammi Lynn Scott's Summons and Complaint to the Third-Party Mailer on April 20, 2021, at approximately 11:50 AM CST. Following the submission, the Third-Party Mailer mailed the documents to Tammi Lynn Scott via U.S. First Class Mail that same day. I again submitted Thomas Calvert Scott's Summons and Complaint to the Third-Party Mailer on April 21, 2021, at approximately 8:27 AM CST. Following the submission, the Third-Party Mailer mailed the documents to Thomas Calvert Scott via U.S. Certified Mail (Tracking # 7020 0640 0002 1337 4979) that same day. I again submitted Tammi Lynn Scott's Summons and Complaint to the Third-Party Mailer on April 21, 2021, at approximately 8:31 AM CST. Following the submission, the

¹ Capitalized terms not otherwise defined herein shall have the meaning set forth in the Plaintiff's Motion for Entry of Default and Default Judgment under Fed. R. Bankr. P. 7055.

Third-Party Mailer mailed the documents to Tammi Lynn Scott via U.S. Certified Mail (Tracking # 7020 0640 0002 1337 4986) that same day.

4. Following service of the Summonses and Complaint, the deadline for Defendants to file an answer or other responses expired on May 19, 2021. *See* Rule 7012(a), 9006(a)(1). Neither Defendant requested additional time to submit an answer or other response to the Complaint. As of the date of this verified statement, the docket in this adversary proceeding does not reflect an answer or other pleadings filed by either Defendant in response to the allegations in the Complaint. The Adversary Docket Sheet is attached to the Motion as Exhibit C. Further, as of the date of this verified statement, I have not received any communication from Defendants, formal or informal.

5. Based on information that is presently available to me, Defendants are neither infants nor incompetent persons requiring special service in accordance with Rule 7004(b)(2). As such, service in accordance with Rule 7004(b)(1) is sufficient and appropriate under the circumstances.

6. On May 24, 2021, I ran a search under Defendants' names in the Defense Manpower Data Center, an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System. That same day, I received Military Status Reports, which reflected that as of May 24, 2021, Tammi Lynn Scott was not on active military duty as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard) and Thomas Calvert Scott was on active military duty in the United States Army. Tammi Lynn Scott and Thomas Calvert Scott's Military Status Reports are attached to the Motion as Exhibit E and Exhibit F, respectively.

7. Although not required by Fed. R. Civ. P. 55(b)(2), copies of the Motion and Verified Statement seeking entry of default and default judgment, which are being filed herewith, will be served upon Defendants by U.S. First Class Mail.

8. In accordance with 28 U.S.C. § 1746 I hereby certify under penalty of perjury that the above allegations are true and correct.

RESPECTFULLY SUBMITTED:
KEVIN M. EPSTEIN
UNITED STATES TRUSTEE

DATED: June 15, 2021

/s/ Alicia L. Barcomb
Alicia L. Barcomb, Trial Attorney
TX State Bar No. 24106276
United States Department of Justice
Office of the United States Trustee
515 Rusk Street, Suite 3516
Houston, Texas 77002
E-mail: alicia.barcomb@usdoj.gov
Telephone: (713) 718-4650